

AMENDED IN ASSEMBLY AUGUST 26, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Joint Resolution

No. 30

Introduced by Assembly Member Stone
(Coauthors: Assembly Members Ammiano, Atkins, Fong, Rendon,
and Williams)
~~(Coauthor: Senator~~ *Coauthors: Senators DeSaulnier and Pavley)*

August 6, 2013

Assembly Joint Resolution No. 30—Relative to the federal Chemical Safety Improvement Act.

LEGISLATIVE COUNSEL’S DIGEST

AJR 30, as amended, Stone. Federal Chemical Safety Improvement Act.

This measure would memorialize the Congress and the President of the United States to respect the rights of states to protect the health of their citizens, including children and pregnant women, and to not enact the federal Chemical Safety Improvement Act in its current form containing provisions that provide for the preemption of a state’s authority to protect the public from toxic *substances and other harmful* chemicals.

Fiscal committee: no.

1 WHEREAS, California has historically acted in advance of the
2 federal government to protect its citizens, including vulnerable
3 subpopulations such as children and pregnant women, against the
4 harms of exposure to toxic substances ~~in consumer products and~~
5 *other harmful chemicals* through strong environmental laws and

1 regulations, which have also driven innovation in the development
2 of safer products; and

3 WHEREAS, California voters overwhelmingly approved
4 Proposition 65, which added the Safe Drinking Water and Toxic
5 Enforcement Act of 1986 (Chapter 6.6 (commencing with Section
6 25249.5) of Division 20 of the Health and Safety Code), to decrease
7 California's exposure to toxic substances known to cause cancer,
8 birth defects, or other reproductive harm by requiring labeling of
9 consumer products containing these toxic substances; and

10 WHEREAS, The Legislature enacted Article 14 (commencing
11 with Section 25251) of Chapter 6.5 of Division 20 of the Health
12 and Safety Code, which is otherwise known as the Green Chemistry
13 program, in 2008, to identify and prioritize chemicals of concern
14 and evaluate safer alternatives to toxic chemicals through a
15 science-based approach; and

16 WHEREAS, *The Legislature enacted the California Global*
17 *Warming Solutions Act of 2006 (Division 25.5 (commencing with*
18 *Section 38500) of the Health and Safety Code), a first-in-the-world*
19 *comprehensive program of regulatory and market mechanisms to*
20 *achieve quantifiable and cost-effective reductions of greenhouse*
21 *gases; and*

22 WHEREAS, The State Air Resources Board adopted regulations,
23 beginning in 1991 and continuing as recently as 2013 (see, for
24 example, Section 94509 of Title 17 of the California Code of
25 Regulations), to reduce the volatile organic compounds emissions
26 from consumer products because these compounds ~~produce~~
27 *contribute to the formation of ozone* and particulate matter that
28 exacerbates respiratory diseases such as asthma; and

29 WHEREAS, The current version of the federal Chemical Safety
30 Improvement Act (Sen. No. 1009) has broad preemption provisions
31 that prevent states from acting to address potential risks of toxic
32 substances and *other harmful chemicals, as well as* from exercising
33 state enforcement powers that put at risk several California
34 programs that protect public health, including those listed above,
35 among others; now, therefore, be it

36 *Resolved by the Assembly and the Senate of the State of*
37 *California, jointly,* That the Legislature memorializes the Congress
38 and the President of the United States to respect the rights of states
39 to protect the health of their citizens, including children and
40 pregnant women, and to not enact the federal Chemical Safety

1 Improvement Act (Sen. No. 1009) in its current form containing
2 provisions that provide for the preemption of a state's authority to
3 protect the public, including from toxic *substances and other*
4 *harmful* chemicals; and be it further
5 *Resolved*, That the ~~Secretary of the Senate~~ *Chief Clerk of the*
6 *Assembly* transmit copies of this resolution to the President and
7 Vice President of the United States, to the Speaker of the House
8 of Representatives, to the Majority Leader of the Senate, to the
9 authors of Senate Bill No. 1009, to each Senator and Representative
10 from California in the Congress of the United States, and to the
11 author for appropriate distribution.

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